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Attorney Docket No. 9314-50

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Karin Spalink et al.
Serial No.: 10/724,941
Filed: December 1, 2003
For: APPARATUS, METHODS AND COMPUTER PROGRAM PRODUCTS
PROVIDING MENU EXPANSION AND ORGANIZATION FUNCTIONS

Group Art Unit: 2681
Examiner: To Be Assigned
Confirmation No.: 3269

Date: March 10, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of December 1, 2003 rather than December 2, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of December 1, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

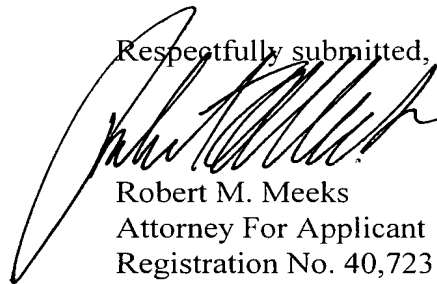
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:40 p.m. on December 1, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of December 2, 2003 instead of the Express Mail date of December 1, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of December 1, 2003 as the filing date pursuant to 37 CFR § 1.10.

In re: Karin Spalink et al.
Serial No.: 10/724,941
Filed: December 1, 2003
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



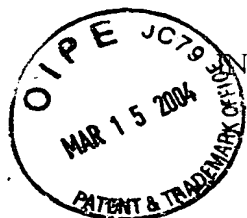
Robert M. Meeks
Attorney For Applicant
Registration No. 40,723

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 10, 2004.


Candi L. Riggs



THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9314-50

DATE: December 1, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- a patent application
- a Continuation a Divisional a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
- and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Karin Spalink – Durham, North Carolina
James B. Cunningham, Ph.D. – Raleigh, North Carolina

Entitled: **APPARATUS, METHODS AND COMPUTER PROGRAM PRODUCTS
PROVIDING MENU EXPANSION AND ORGANIZATION FUNCTIONS**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. 19 pages of Specification (including 46 claims)
3. 6 sheets of Formal Drawings (35 USC 113)
4. Oath or Declaration
 - a. newly executed (*original or copy*)
 - b. copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*)) [Note Box 6 Below]
 - c. **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. Application Data Sheet. See 37 CFR 1.76
6. Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



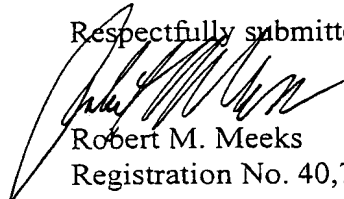
- 7. Microfiche Computer Program (*Appendix*)
- 8. Assignment papers (*cover sheet(s) and document(s)*)
- 9. Applicant claims small entity status. See 37 CFR § 1.27.
- 10. Information Disclosure Statement, PTO-1449, and 5 references cited
- 11. Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
- 12. English Translation Document
- 13. Certified Copy of Application No. ; Filed
- 14. Sequence Listing/ Sequence Listing Diskette
 - a. computer readable copy
 - b. paper copy
 - c. statement in support
- 15. An Associate Power of Attorney
- 16. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
- 17. Deletion of Inventor(s) (*Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).*)
- 18. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
- 19. Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	46 - 20 =	26	x 09 = \$	x 18 = \$ 468.00
INDEP CLAIMS	6 - 3 =	3	x 43 = \$	x 86 = \$ 258.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1,496.00

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- A check in the amount of \$1,536.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- Please charge my Deposit Account No. 50-0220 in the amount of \$1,536.00 for the filing fee (\$1,496.00) and the Assignment Recordation Fee (\$40.00).
- The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. Additional patent application processing fees under 37 CFR 1.17.

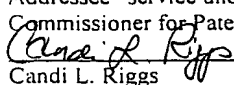
Respectfully submitted,


 Robert M. Meeks
 Registration No. 40,723

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318416545 US
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


 Candi L. Riggs

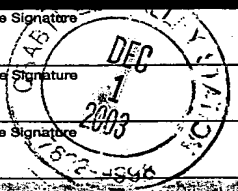


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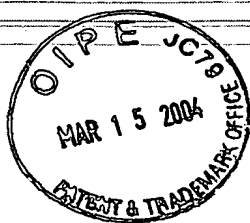
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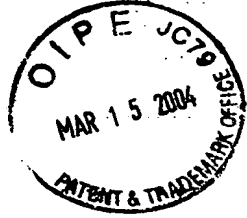


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9314-50
December 1, 2003

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Commissioner for Patents
P.O. Box 1450
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12-11-03 A08:58

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Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

Utility Patent Application Transmittal Letter and Fee Transmittal Form (in duplicate); Specification (19 pages – 46 claims); Drawings (6 Sheets – Figures 1-11); Declaration and Power of Attorney; Assignment Recordation Form Cover Sheet; Assignment; Information Disclosure Statement; Form PTO-1449; Copies of 5 Cited References; In re: Spalink et al.; For: APPARATUS, METHODS AND COMPUTER PROGRAM PRODUCTS PROVIDING MENU EXPANSION AND ORGANIZATION FUNCTIONS

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC



Carlsbad Caverns National Park, NM

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Patent Lawyers
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22278 U.S. PTO
10/724941



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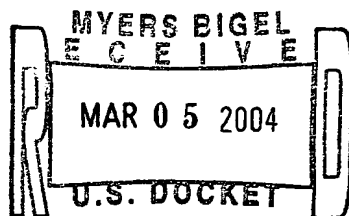


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/724,941	12/02/2003	2681	1496	9314-50	6	46	6

Robert M. Meeks
 Myers Bigel Sibley & Sajovec
 Post Office Box 37428
 Raleigh, NC 27627



CONFIRMATION NO. 3269

FILING RECEIPT



2004000012004466



Date Mailed: 03/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Karin Spalink, Durham, NC;
 James B. Cunningham, Raleigh, NC;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/02/2004

Projected Publication Date: 06/02/2005

Non-Publication Request: No

Early Publication Request: No

03-04-04 109:51 IN

Title

Apparatus, methods and computer program products providing menu expansion and organization functions

Preliminary Class



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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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